UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,339	12/29/2003	Takayuki Suzuki	2933SE-99-CIP	8133

			EXAMINER
22442	7590	08/15/2006	CHOI, WOO H

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

ART UNIT	PAPER NUMBER
2189	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/748,339	SUZUKI ET AL.
	Examiner	Art Unit	
	Woo H. Choi	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *02 June 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-6* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1.   Claims 1 – 5 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1 – 4 of U.S. Patent No. 6,697,915. Although the

conflicting claims are not identical, they are not patentably distinct from each other because the

instant claims are broader versions of the patented claims, and as such, are anticipated by the

patented claims.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 – 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fang *et al.* (US

Patent No. 6,539,518, hereinafter "Fang").

4.   With respect to claims 1, 5 and 6, Fang discloses a decoder for temporarily storing in a

buffer memory in sector units digital data having a predetermined number of bytes processing

the digital data by correcting and detecting code errors included in the digital data, and

transferring the processed digital data, the decoder (figure 2) comprising:

a check head register for storing a first address of the buffer memory when the storing of

the processed digital data to the buffer memory is started (figure 3, 390 and 395);

a check sector counter for counting the number of sectors of the processed digital data

stored in the buffer memory to generate a count value (figure 2, 207, see also col. 5, lines 34 –

38);

a command decision circuit connected to the check head register and the check sector

counter for deciding whether the digital data requested to be transferred is stored in the buffer

memory based on the first address, the count value, and a head address of the digital data

requested to be transferred (col. 7, line 55 – col. 8, line 15); and

a command register connected to the command decision circuit for storing a data transfer

request command (col. 7, lines 9 – 15, see also US Patent No. 5,946,708 which is incorporated

by reference in Fang, col. 7, lines 31 – 39),

wherein the command decision circuit permits the decoder to transfer the processed

digital data when deciding that the digital data requested to be transferred is stored in the buffer

memory.

5.   With respect to claim 2, the count value corresponds to an address interval of the

processed digital data occupying the buffer memory, and wherein the command decision circuit

adds the address interval to the first address to generate a comparison address and decides

whether the digital data requested to be transferred is stored in the buffer memory by comparing

the comparison address and the head address of the digital data that is requested to be transferred

(col. 5, lines 34 – 38, col. 6, lines 28 – 58, the valid cache count corresponds to a block of

transferred data, i.e., address interval, which keeps track of the difference between 390 and 395,

these pointers are compared to insure that data blocks are not overwritten).

6.   With respect to claim 3, the command register stores the data transfer request command

that includes address information, wherein the command decision circuit decides the head

address of the digital data requested to be transferred based on the address information (col. 7,

lines 30 – 44).

7.   With respect to claim 4, the command decision circuit decides the head address of the

digital data that is requested to be transferred based on address information received from an

external microcomputer (col. 6, lines 59 – 60, see also col. 7, lines 30 –44).

Response to Arguments

8.   Applicants' arguments filed June 2, 2006 have been fully considered but they are not

persuasive. Applicants argue that Fang does not teach "a command decision circuit connected to

check head register and the check sector counter for deciding whether the digital data requested

to be transferred is stored in the buffer memory based on the first address, the count value and a

head address". The Examiner respectfully disagrees.

Firstly, while Applicants points out that certain elements in Fangs disclosure perform

certain function, Applicants fail to point out how and why the language of the claim, or even

which portion of the limitation in quote, allegedly not taught by Fang, is patentably distinct from

Fang's device controller that transfers data based on two block pointers (i.e., claimed first

address and a head address) and a counter. Applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references.

Secondly, Fang does disclose the claimed limitation. In a typical read transaction, the

device controller buffers data from storage media and sends the stored data from the buffer to the

host when the buffer contains a sufficient amount of data. See col. 2, lines 38 – 50. This

requires decision logic as claimed.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Woo H. Choi whose telephone number is (571) 272-4179. The

examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Reginald Bragdon can be reached on (571) 272-4204. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Woo H. Choi
August 9, 2006